

**KINGSBURG PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 16, 2006**

Call to order – At 5:06 P.M. Vice Chairperson Parlier called the meeting of the Kingsburg Planning Commission to order.

Commissioners present – Commissioner Henslee, Commissioner Woollard, Vice Chairperson Parlier, Commissioner Polyack, Commissioner Peelgren, and Commissioner Martin.

Commissioners Absent – Chairperson Ohannesian

Staff Present – Planning and Development Director Terry Schmal, City Engineer Dave Peters, and Planning Secretary Mary Colby.

Approval of minutes – Commissioner Polyack made a motion, seconded by Commissioner Woollard, to approve the minutes of the January 12, 2006 meeting as mailed. The motion carried by unanimous aye voice vote of those Commissioners present.

Public Comments – There were no citizens present who wished to comment at this time.

CONTINUED PUBLIC HEARING – TENTATIVE TRACT MAP 5610 –applicant Vali-Wide, Bob Schoettler - Planning and Development Director Terry Schmal gave a brief description of this proposed subdivision and outlined the number of lots. He stated that this property would require annexation and pre-zoning. Mr. Schmal stated that this map was not received until late on Friday and upon inspection by the City Engineer it was noted that many of the lots are less than 7,000 square feet. He stated that there are two alternatives for processing: 1.) This subdivision could be processed as a Planned Unit Development (PUD) which requires that the average lot size is equal to 7,000 square feet per unit. 2.) Reduce the number of lots and increase all lots to at least 7,000 square feet. Planning and Development Director Terry Schmal stated that since storm drainage has been the major issue with this project City Engineer Dave Peters will now answer questions on this topic.

City Engineer Dave Peters stated that the revised map shows two resolutions to the storm drain issue and both of them are acceptable.

Vice Chairperson Parlier stated that this is a continued public hearing and asked for comments from the public at 5:20 P.M.

There were no citizens present who wished to comment in favor of or again this item and at 5:23 P.M. the public hearing was closed.

Bob Schoettler, 7489 N First St. Ste. 102 Fresno, stated that he was unaware of the small lot sizes, and will resolve this issue in a manner that is amenable to the City. He stated that City Standards are important and they are not asking for approval of substandard lots. Mr. Schoettler stated that he is continuing to work out an agreement with the adjacent property owner for constructing the ponding basin off site.

The Commissioners and the applicant discussed ways to increase lot size such as:

- Have front yard garbage pick up covenant on lots 25 through 32 in order to eliminate the alley next to Madsen.
- Proceed as a PUD and achieve the 7,000 square foot lot size average.

After further discussion it was agreed that the alley should remain along Madsen.

Bob Schoettler stated that he will remove two of the lots and increase all inadequate lots to 7,000 square feet.

In order to proceed with alternate drainage solution, (basin off site) Mr. Schoettler would have to produce an agreement from all parties concerned prior to final recordation of the map.

Further discussion regarding alley adjacent to Madsen, step down block wall and add stop signs to each end for safety and visibility.

Commissioner Polyack made a motion, seconded by Commissioner Woollard, to recommend to the City Council that the Initial and Environmental Checklist, in combination with the Environmental Impact Report prepared for the North Kingsburg Specific Plan, are adequate to satisfy the requirements of the California Environmental Quality Act (CEQA), and that a Negative Declaration is the appropriate determination of environmental impact. Also that Tentative Tract Map (TTM) 5610 proposed by Vali-Wide Development be approved, subject to annexation to the City of Kingsburg and pre-zoning to the R-1-7 PUD zone district (single family residential, minimum lot size of 7,000 square feet, Planned Unit Development), and subject to conditions from the City Engineer and staff:

General:

1. That all conditions of the applicant be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
2. That the conditions of approval contained herein are in addition to those in Section 18 of the City of Kingsburg Improvement Standards.
3. That the applicant enters into a subdivision agreement with the City if the final map is recorded prior to completion of the off-site improvements.
4. That the applicant pays all fees as required by existing ordinances and schedules.
5. That all water wells and septic systems that served the agricultural property be abandoned pursuant to City, County, and State standards.

Final Map:

6. That a right to farm covenant be recorded prior to recordation of the final map.

Circulation:

7. That direct vehicular access to Madsen Avenue from Lots 23 through 30 be restricted. A 6 foot decorative block wall shall be constructed along the Madsen Avenue frontage.
8. That a 42 foot half width right-of-way shall be provided along the Madsen Avenue frontage.
9. A 8 foot wide pedestrian trail be developed along the north side of Road A, then traverse southerly along the west side of Road C (eastside of Outlot A) to Road B, then traverse westerly along the north side of Road B to the limits of the subdivision. Trail shall

consist of a paved walk path and landscaping. Plans for trail improvements shall be submitted to the City Engineer for review and approval.

10. That the developer coordinate with and obtain Encroachment Permits from Fresno County for any work along Madsen Avenue including the installation of stop signs on Roads A and H.
11. That the developer dedicate of right-of-way at Road A and Road H at Madsen Avenue needed for full curb return and transition paving construction.

Water:

12. That a 12-inch oversize water line be constructed in Madsen Avenue across the limits of the subdivision. These mains shall be tied into the 12-inch stub-out at the intersection of Kamm Avenue / Madsen Avenue.

Sewer:

13. That the developer extend the 10-inch oversize sewer from the stub-out in Kamm Avenue to Madsen and northerly on Madsen to the northern boundary of the subdivision.

Grading and Drainage:

14. That a grading and drainage plan be submitted for review and approval by the City Engineer. The developer shall obtain a grading permit for all on-site grading work.
15. That all runoff be directed to a proposed master planned drainage basin to be located within or adjacent to the boundary of the subdivision. The developer shall implement one of the two following alternatives as shown on the map. A site specific percolation test shall be provided to the City Engineer for review approval. Both Alternative A and B are subject to providing the City Engineer with a geotechnical report.

Alternative A - Develop a portion of the master planned basin within the northwestern portion of the proposed project parcel. The parcel to be dedicated to the City for use as a park / drainage basin site shall be of the dimensions shown on the map.

Alternative B - Acquire adjacent off-site property in the northwest region of the subdivision and develop master planned storm drainage basin / park as shown on the map. Any such procurement and development of an off-site master plan drainage basin / park would require a written agreement between the developer and the affected property owner subject to the review and approval of the City Attorney and such agreement shall be executed and recorded with the Fresno County Records Office prior to the acceptance and recordation of the Final Tract Map for Tract 5610.

16. That the developer obtains an NPDES permit from the Regional Water Quality Control Board. The plan shall provide for the mitigation of soil erosion from the project site during the construction and warranty periods and be submitted to the City prior to the start of construction.
17. That as part of the mitigation measures for soil erosion; the developer shall be responsible for street sweeping during the one-year warranty period.

Aesthetics:

18. That a landscape and irrigation plan be submitted for review and approval by the Planning Director and City Engineer for the areas along Madsen Avenue and the master planned storm drain basin.
19. That a landscape and irrigation plan be submitted for review and approval by the City Engineer for the areas around and within the permanent park/drainage basin.
20. That the developer provide and install a minimum 15 gallon street trees with root barriers to City Standards for each lot at a location along the front property line.

Utilities:

21. All existing overhead utilities adjacent to the subdivision shall be undergrounded.
22. That the developer provide a street light plan for review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. Streetlights shall be provided by the developer and maintained by the City pursuant to PG&E rate schedule LS2C.
23. Developer shall work with PG&E for the preparation of a utility plan, subject to the review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. All work shall be completed such that no street surface need be reopened for service.

Irrigation:

24. That any irrigation pipelines maintained by CID be relocated outside of the street right of way, except at street crossings. Any irrigation lines that must remain in service shall be reconstructed with rubber gasket reinforced concrete pipe.
25. That all abandoned irrigation lines serving the property be removed.

Staff

26. That in conformance with the City's Growth Management System ordinance, allocations for development of the subdivision will be granted on the following basis: 15 allocations for calendar year 2005; 25 allocations for 2006; up to 25 allocations for 2007; and the remaining allocations for 2008, if any are required. The number of allocations to be granted per year shall be specified in the Subdivision Agreement.
27. That the street names conform to Ordinance 2004-04 adopted by the City Council in July 2004.

Commissioner Parlier asked for additional comments from the citizens present, there were none made.

The motion carried by unanimous aye voice of those Commissioners present.

PUBLIC HEARING – Tentative Tract Map 4526, applicant Bergwald Group at southwest corner of Sierra and Madsen. - Planning and Development Director Terry Schmal stated that this project has taken on the tract number assigned to the original Brucker Estates. He stated that this is one of the priority projects and has received allocations for 2005.

City Engineer Dave Peters stated that after review by City staff there are changes required to be incorporated in this map such as:

- Madsen would be developed the full width to the Tulare County Line and beyond.
- Elimination of the swale with storm drainage collected into the system and disposed in the Historical Park Basin.
- Abandonment of the right of way on Madsen Avenue at the City's discretion.
- Consolidated Irrigation District is requesting that the map be conditioned on the restructuring of the outlet on the south side of the parcel.
- CID is also requesting a separate easement in their favor over the pipeline in Madsen Avenue.

At 6:18 P.M. the Public Hearing was opened. There were no comments in favor of this item.

Ed Canvasser, California Planning & Engineering, stated that he received information late in the process regarding the CID drainage pipe, the meandering sidewalks and the undergrounding of two utility poles. Mr. Canvasser asked for deferral of the utility undergrounding until such time that the adjacent pole could be included in this project.

There were no other citizens present who wished to comment and at 7:30 P.M. the Public hearing was closed.

Commissioner Polyack made a motion, seconded by Commissioner Woollard, to recommend to the City Council that this project be determined to be Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA), and that a Notice of Exemption be filed with the office of the County Clerk. The project qualifies under section 15332 of the Public Resources Code (CEQA guidelines) as an infill project in an urbanized area. And that TTM 4526 proposed by the Bergwald Group be approved, subject to conditions recommended by the City Engineer and staff.

General:

1. That all conditions of the applicant be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
2. That the conditions of approval contained herein are in addition to those in Section 18 of the City of Kingsburg Improvement Standards.
3. That the applicant enters into a subdivision agreement with the City if the final map is recorded prior to completion of the off-site improvements.
4. That the applicant pays all fees as required by existing ordinances and schedules.
5. That all water wells and septic systems that served the agricultural property be abandoned pursuant to City, County, and State standards.

Final Map:

6. That a right to farm covenant be recorded prior to recordation of the final map.
7. That those portions of existing Madsen Avenue right of way no longer needed, but within the City limits be vacated, including removal of existing facilities, provided that all of the right of way is within the City limits and is not within jurisdiction of Fresno County. If Fresno County has control of portions of the existing Madsen Avenue right of way, the developer shall assist the City and County with an appropriate action to either maintain or vacate all or portions of the rights of way as determined by the City / County. The

developer shall be responsible for all costs associated with researching and/or vacating such right of way, including, but not limited to preparation of legal plats and descriptions for the affected properties.

Circulation:

8. That direct vehicular access to Sierra Street from Lots 1 through 4 be restricted.
9. That a 42 foot half width right-of-way shall be provided along the Sierra Street frontage.
10. That Madsen Avenue be constructed full width (64 feet curb to curb – 84 foot right of way) to the Fresno/Tulare County Line. The sidewalk shall be a four foot linear pattern adjacent to right-of-way. The road shall taper and transition down to existing in accordance with AASHTO and Tulare County standards.
11. That the developer coordinate with and obtain Encroachment Permits from Tulare County for any work along Madsen Avenue south of the Fresno County Line.
12. That the developer coordinate with and obtain Encroachment Permits from Caltrans for any work along Sierra Street (State Highway 201) including the installation of stop signs on 24th Avenue.
13. That the developer cooperate with regard to construction and reimbursements related to the 24th Avenue extension.

Water:

14. That the existing water main system within the subdivision be tested and accepted by the City of Kingsburg Public Works Department.

Sewer:

15. That the developer abandons all existing on-site sewer systems including mains and manholes and installs a new sewer system in accordance with SKF standards. Sewer mains shall not be installed in alleys per SKF standards.

Grading and Drainage:

16. That a grading and drainage plan be submitted for review and approval by the City Engineer. The developer shall obtain a grading permit for all on-site grading work.
17. That all runoff be directed to the Historical Park master planned drainage basin located on the north side of Sierra Street (north of the Historical Park). The developer shall install all necessary storm drainage pipelines, manholes and inlets to direct all drainage to this basin.
18. That the developer obtains an NPDES permit from the Regional Water Quality Control Board. The plan shall provide for the mitigation of soil erosion from the project site during the construction and warranty periods and be submitted to the City prior to the start of construction.
19. That as part of the mitigation measures for soil erosion; the developer shall be responsible for street sweeping during the one-year warranty period.

Aesthetics:

20. That a landscape and irrigation plan be submitted for review and approval by the Planning Director and City Engineer for the areas along the western side of Madsen Avenue.

21. That a landscape and irrigation plan be submitted for review and approval by the City Engineer for the areas around and within the permanent park/drainage basin.
22. That the developer provides and install street trees with root barriers to City Standards for each lot at a location along the front property line.

Utilities:

23. All existing overhead utilities adjacent to the subdivision shall be undergrounded.
24. That the developer provide a street light plan for review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. Streetlights shall be provided by the developer and maintained by the City pursuant to PG&E rate schedule LS2C.
25. Developer shall work with PG&E for the preparation of a utility plan, subject to the review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. All work shall be completed such that no street surface need be reopened for service.

Irrigation:

26. That any irrigation pipelines maintained by CID be relocated outside of the street right of way, except at street crossings. Any irrigation lines that must remain in service shall be reconstructed with rubber gasket reinforced concrete pipe.
27. That the Cole Slough pipeline which is leaking between proposed lots 4 and 5 be repaired to the satisfaction of the Consolidated Irrigation District.
28. That all abandoned irrigation lines serving the property be removed.
29. Repair/reconstruct headwall at south property line.
30. Provide easement over Cole Slough per CID requirements.

Staff

31. That, in conformance with the City's Growth Management System ordinance, allocations for development of the subdivision will be granted on the following basis: 16 allocations for calendar year 2006 and the remaining allocations for 2007, if any are required. The number of allocations to be granted per year shall be specified in the Subdivision Agreement.

The motion carried by unanimous aye voice vote of those Commissioners present.

PUBLIC HEARING AMENDMENT TO CONDITIONAL USE PERMIT – Church of the Nazarene, 1400 6th Avenue Drive, to convert Single Family Residence to office and classrooms for Church use. - Planning and Development Director Terry Schmal gave a brief presentation of the request by the Church of the Nazarene. He stated that the Project Review Team looked at this and raised no major concerns.

At 6:47 P.M. Vice Chairperson Parlier opened the Public Hearing. There were no citizens present who wished to comment and at 6:49 P.M. the Public Hearing was closed.

Commissioner Polyack made a motion, seconded by Commissioner Martin, to recommend to the City Council that this project be determined to be Categorical Exempt under the provision of the California Environmental Quality Act (CEQA), and that a notice of

exemption be filed with the office of the County Clerk. And to make the findings required by Sections 1703 and 1707 of the Kingsburg Zoning Ordinance and approve with conditions an amendment to the de facto Conditional Use Permit that allows the Church of the Nazarene to operate on the block bound by Sixth and Seventh Avenue, Orange Street and Nevada Street with conditions as follows:

- a. Provide handicapped accessibility according to the Uniform Building Code subject to the approval of the Building Official.
- b. Ensure that the existing yard at the house continues to be maintained as landscaping or is improved
- c. That an irrevocable offer of dedication (4 foot) for the remainder of the alley be provided.

The motion carried by unanimous aye voice vote of those Commissioners present.

PUBLIC HEARING- Zoning Ordinance Change to Add Language for Ground Floor Residential In the Central Commercial Zone District. - Planning and Development Director Terry Schmal gave a brief summary of his staff report and stated that these are slight changes in text to the Zoning Ordinance. The purpose is to accommodate projects such as the one proposed on the Johnson Lumber property

At 6:58 P.M. Vice Chairperson Parlier opened the Public Hearing. There were no citizens present who wished to comment and at 7:00 P.M. the Public Hearing was closed.

Commissioner Polyack made a motion, seconded by Commissioner Peelgren, to recommend to the City Council that the prepared Initial Study and Environmental Checklist satisfies the requirements of the California Environmental Quality Act, and that a Negative Declaration is the proper determination of environmental impact. And to approve the language revision of Section 1003 (CC – Conditional Uses: Commission Approval) of the Kingsburg Zoning Ordinance to allow limited ground floor residential units in the Central Commercial Zone. The motion carried by unanimous aye voice vote of those Commissioners present.

PUBLIC HEARING – Zoning Ordinance Change to Add Adult Day Care to Language for Permitted Uses in the Residential Zone Districts. - Planning and Development Director Terry Schmal gave a brief summary of his staff report and stated that this is also a simple amendment and would only add the listing of adults to daycare centers or group homes and change the number of clients allowed.

At 7:08 P.M. Vice Chairperson Parlier opened the Public Hearing, there were no citizens present who wished to comment and at 7:10 P.M. the Public Hearing was closed.

The Commissioners inquired about the reason for this proposed change. Planning and Development Director Terry Schmal stated that adult day care is becoming more and more necessary.

The applicant, Larry King, stated that demographics have changed, baby boomers are now coming of age and parents of this age group need care while both partners work outside the home.

Commissioner Polyack made a motion, seconded by Commissioner Peelgren, to recommend to the City Council that the enclosed Initial Study and Environmental Checklist satisfy the requirements of the California Environmental Quality Act, and that a Negative Declaration is

the proper determination of environmental impact. And approve revisions to Sections 702, 703, 802, and 803 of the Kingsburg Zoning Ordinance allowing day care homes for adults to be operated in the same manner as family day care homes for children, and updating the definitions of small and large family day care homes. The motion carried by unanimous aye voice vote of those Commissioners present.

PUBLIC HEARING – Tentative Parcel Map 65 for lot 33 of the Kingsburg Business Park to divide one lot into three, applicant Bratton Properties - City Engineer Dave Peters gave a brief summary of his staff report and presented details of the proposed lot split. He stated that a condition should be added to provide a means to repair the street that was damaged during the last storm.

At 7:16 P.M. Vice Chairperson Parlier opened the Public Hearing, there were no citizens present who wished to comment and at 7:17 P.M. the Public Hearing was closed.

Charles Maxwell, representing Bratton Properties, stated that this lot split will facilitate the final sales of lots within the business park which are 2/3 sold out. He stated that he agrees with the City Engineer and will repair the damage to the cul-de-sac and street.

Commissioner Polyack made a motion, seconded by Commissioner Woollard, to recommend to the City Council approval of TPM 65 for lot 33 of the Kingsburg Business Park to divide one lot into three. That the project be determined to be Categorically Exempt under the provisions of the California Environmental Quality Act, and that a Notice of Exemption be filed with the office of the County Clerk. And the following conditions of approval as recommended by the City Engineer and staff:

General:

1. That all conditions of the applicant be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
2. That the applicant pays all fees as required by existing ordinances and schedules. The fees to be paid shall be those in effect at the time of payment.
3. That a right to farm covenant be recorded prior to recordation of the final map.

Water:

4. That all lots be provided with a 2” water service and City-standard water meter.

Storm Drainage:

5. That an engineered plan be submitted for reconstruction of the storm drainage system, street, curb, gutter, drainage inlet and fencing and that the developer either complete the repairs or provide security for the repair work prior to recordation of the Final Map.

Sewer:

6. That all lots be provided with 4” sewer services subject to SKF standards and approval.

Grading and Drainage:

7. That the developer obtain an NPDES permit from the Regional Water Quality Control Board for construction sites in excess of one acre. The plan shall provide

for the mitigation of soil erosion from the project site during the construction and warranty periods.

8. That as part of the mitigation measures for soil erosion; the developer shall be responsible for street sweeping during the one-year warranty period.

Utilities:

9. Developer shall work with PG&E for the preparation of a utility plan, subject to the review and approval by the City Engineer. All work shall be completed such that no street surface need be reopened for service.

The motion carried by unanimous aye voice vote of those Commissioners present.

Site Plan Review-2006-01 for review of signs for Sonic Drive-In at 191 Sierra Street, applicant Con-Shell - Planning and Development Director Terry Schmal gave a brief summary of his staff report. He stated that the only item not clear is exactly where the pole sign will be located.

Jay Parille, The local franchisee, stated that the sign will be placed behind the sidewalk within the landscaped area.

Commissioner Polyack made a motion, seconded by Commissioner Woollard, to approve SPR 2006-01 for the signs located at the Sonic Drive-in at 191 Sierra Street. The motion carried by unanimous aye voice of those commissioners present.

Conceptual review of proposed Business Park at the southwest corner of Simpson Street & Stroud Avenue, applicant Abe Wiebe. – Planning and Development Director Terry Schmal introduced this project stating that the applicant has met with several members of staff. He stated that the applicant would like to make use of a boulevard entry on the Simpson Street frontage which would enable the applicant to arrange the buildings in a manner to make the best use of the property. Planning and Development Director Terry Schmal stated that this could become a model project.

Warren Thompson, architect, stated that Abe Wiebe is the owner and his intent is to move his manufacturing firm into this park. He stated that the way the buildings are angled give the best sun orientation and is a good arrangement for solar panels when installed. He stated that the buildings will be composed of a steel frame with interesting exteriors also of metal, but when complete will not have the appearance of a metal building. He also stated that there would be a lot of trees and green space with an association to maintain the landscaping. The applicant would like to create an area that attracts attention from the freeway.

It was the consensus of the Commission that this is an innovative and worthwhile proposal.

Conceptual presentation for a Mobile Home Park on the Zakarian property northwest of Stroud and 10th Avenue, Chris Howard, representative. Planning and Development Director Terry Schmal gave a brief description of this project pointing out the location and the existing homes adjacent. He stated that project review team thought that it looked good conceptually. Planning and Development Director Terry Schmal stated that this project would be subject to allocations, and annexation, also pre-zoning to change the designation from medium density to multi-family.

It was the consensus of the Commission that the applicant should explore other exits for emergency access. The Commissioners thought this has possibilities, but must be annexed and pre-zoned.

Conceptual presentation for a 29 lot subdivision at 14281 S. Academy Avenue, applicant, Parminder Singh Sohal, Representative Mario Valmonte. – Planning and Development Director Terry Schmal stated that this has been presented two times prior, and is proposed to be a gated community.

Mario Valmonte stated that he has redrawn this project three times at the suggestion of the Planning Commission. He stated that since it is a five acre parcel it is a little more difficult to develop.

The Commission is looking for more information on the surrounding properties. They would like to see this brought back one more time at a conceptual level, and it is subject to annexation and the allocation process.

Planners Institute 2006, March 22 through March 24, 2006 in Monterey.

The Commissioners will let the Planning Secretary know who will attend.

Future Items.

Consider rescheduling June 8, 2006 meeting due to conflict with Kingsburg High School graduation. Bring back on next agenda for formal action. Recommend postponing meeting 1 week for June meeting.

Planning and Development Director Terry Schmal stated that he had a good meeting with Housing and Community Development on the discussion of the Growth Ordinance.

Adjourn – At 8:30 P.M. the Kingsburg Planning Commission adjourned.

Submitted by

_____/s/
Planning Commission Secretary Mary Colby